

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KIARA DORIQUE ALEXIS,

Plaintiff,

v.

JACK NAVARRO, et al.,

Defendants.

No. 2:22-cv-01130-DAD-AC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 13)

Plaintiff Kiara Dorique Alexis, proceeding *pro se*, initiated this civil action on June 29, 2022. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 16, 2022, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's complaint be dismissed because plaintiff alleges subject matter jurisdiction based upon federal question, but her complaint fails to state any cognizable federal claims. (Doc. No. 13.) Specifically, each of plaintiff's purported claims "seek[] relief exclusively for violations of the criminal code," and thus "cannot support a civil lawsuit." (*Id.* at 3.) However, the findings and recommendations recommend that plaintiff be granted an opportunity to amend her complaint because she might be able to allege a civil claim under the Racketeer Influenced and Corrupt Organizations Act ("RICO"). (*Id.*) (noting that "[t]he only cause of action raised that could potentially be read as a civil claim is the claim under [RICO], a

1 criminal statute which, like each of the other claims presented, does not support a private right of
2 action" but has a civil remedies provision). The findings and recommendations also provide
3 plaintiff with guidance regarding the legal standards applicable to a civil RICO claim. (*Id.* at 3–
4.) Those pending findings and recommendations were served on the parties and contained notice
5 that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 6.)
6 To date, no objections to the pending findings and recommendations have been filed, and the time
7 in which to do so has now passed.

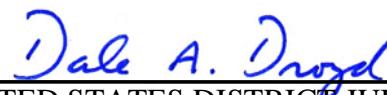
8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
10 findings and recommendations are supported by the record and by proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on August 16, 2022 (Doc. No. 13) are
13 adopted in full;
- 14 2. Plaintiff's complaint is dismissed, with leave to amend, due to plaintiff's failure to
15 state a cognizable claim;
- 16 3. Plaintiff is granted leave to file an amended complaint within thirty (30) days from
17 the date of service of this order;
- 18 4. Any failure on plaintiff's part to file an amended complaint within the time
19 provided will likely result in dismissal of this action due to her failure to comply
20 with a court order; and
- 21 5. This matter is referred back to the assigned magistrate judge for further
22 proceedings consistent with this order.

23 IT IS SO ORDERED.

24 Dated: October 20, 2022


25 Dale A. Drayd
26 UNITED STATES DISTRICT JUDGE

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